

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

RAUL CAMPOS ALEGRIA, #19369-078	§	
VS.	§	CIVIL ACTION NO. 6:13cv343
UNITED STATES OF AMERICA	§	CRIM. NO. 6:12CR0006-001

ORDER OF DISMISSAL

Movant Raul Campos Alegria, an inmate confined at F.C.I. McDowell, filed the above-styled and numbered motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The motion was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the motion should be denied. Alegria has filed objections.

On October 23, 2012, after a plea of guilty, Alegria was sentenced to 52 months of imprisonment for the offense of criminal alien unlawfully present in the United States after deportation, in violation of 8 U.S.C. § 1326(a) & (b)(2). He pled guilty pursuant to a plea agreement, which included a waiver of the right to appeal or otherwise challenge the sentence. He did not appeal the conviction. Alegria has not shown that the waiver should not be enforced. He alleged that he was denied a neutral, detached, impartial and independent judge, but he offered nothing other than conclusory allegations and bald assertions, which are insufficient to support a collateral attack on his conviction. *See Miller v. Johnson*, 200 F.3d 274, 282 (5th Cir. 2000); *Koch v. Puckett*, 907 F.2d 524, 530 (5th Cir. 1990); *Ross v. Estelle*, 694 F.2d 1008, 1011 (5th Cir. 1983). Overall, the Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Alegria to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections by Alegria are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #14) is **ADOPTED**. It is further

ORDERED that the motion to vacate, set aside or correct the sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and the cause of action is **DISMISSED** with prejudice. It is further

ORDERED that a certificate of appealability is **DENIED**. It is finally

ORDERED that all motions not previously ruled on are hereby **DENIED**.

It is **SO ORDERED**.

SIGNED this 14th day of November, 2013.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE